

Sixth Appellate District

San Jose, California

MONDAY, JULY 21, 2003

H024332 MORRIS, et al. v. STATE OF CALIFORNIA

The judgment is reversed. Costs on appeal to plaintiffs.
(not published)
(Rushing, P.J.; We concur: Elia, J., Mihara, J.)
Filed July 21, 2003

H024808 PEOPLE v. FRAGA

The judgment is affirmed. (not published)
(Rushing, P.J.; We concur: Elia, J., Mihara, J.)
Filed July 21, 2003

H024058 NMSBPCSLDHB v. SUN MICROSYSTEMS, INC.

H024404 NMSBPCSLDHB v. SUN MICROSYSTEMS, INC.

The judgment is affirmed. The trial court's order awarding attorney fees to Sun is affirmed. (not published)
(Rushing, P.J.; We concur: Premo, J., Wunderlich, J.)
Filed July 21, 2003

H024740 GUISTO v. HERNES

The judgment is affirmed. (not published)
(Rushing, P.J.; We concur: Wunderlich, J., Mihara, J.)
Filed July 21, 2003

H023824 ASMELASH v. BRAGA

By the Court*:

The petition for rehearing of appellant Belene Ahella Braga is denied.

Filed: July 21, 2003

*Before Rushing, P.J., Premo, J. and Elia, J.

TUESDAY, JULY 22, 2003

H023393 PEOPLE v. BURNETT

The judgment is affirmed. (published)
(Premo, J.; We concur: Rushing, P.J., Elia, J.)
Filed July 22, 2003

H024027 HESKETT, et al. v. HALLINAN

The judgment is affirmed. (not published)
(Premo, J.; We concur: Rushing, P.J., Elia, J.)
Filed July 22, 2003

Sixth Appellate District

San Jose, California

Tuesday, July 22, 2003 (continued)

H025231 In re JACOB M.; DFCS v. HENRY M., et al.

The judgment (order after hearing) is affirmed. (not published)

(Premo, J.; We concur: Rushing, P.J., Bamattre-Manoukian, J.)
Filed July 22, 2003

H024284 PEOPLE v. PHAN

The judgment is affirmed. (not published)

(Bamattre-Manoukian, J.; We concur: Rushing, P.J., Premo, J.)
Filed July 22, 2003

WEDNESDAY, JULY 23, 2003

H024485 PEOPLE v. ZAMORA

By the Court*:

Appellant's petition for rehearing is denied.

Filed: July 23, 2003

*Before Premo, Acting P.J., Bamattre-Manoukian, J. and
Wunderlich, J.

H022984 PEOPLE v. PUGH

Count 2 is ordered stricken. As so modified, the judgment is affirmed. The trial court is ordered to amend the abstract of judgment to delete Count 2 and its concurrent sentence of 25-years-to-life. The trial court is ordered to send a copy of the amended abstract of judgment to the Department of Corrections. (not published)

(Mihara, J.; We concur: Premo, Acting P.J., Bamattre-Manoukian, J.)

Filed July 23, 2003

THURSDAY, JULY 24, 2003

H025176 MARRIAGE OB BWEREZNAK and HEMINGER

The September 20, 2002 order is reversed. The trial court is directed to enter a new order dismissing both petitions. In the interests of justice, appellant shall pay the costs of this appeal. (published)

(Elia, J.; We concur: Rushing, P.J., Elia, J.)
Filed July 24, 2003

Sixth Appellate District

San Jose, California

Thursday, July 24, 2003 (continued)

H024450 BROOKS, et al. v. LONGS DRUG STORES CALIFORNIA, INC.

H023917 BROOKS, et al. v. SALVATION ARMY, et al.

The judgments are affirmed. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed July 24, 2003

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Premo, J.; Bamattre-Manoukian, J.; and S. Nasson, Deputy Clerk.

H023916 PEOPLE v. LYONS

Cause called and argued by Gordon Brownell appearing for Appellant and by Catherine Rivlin, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H023308 PEOPLE v. LUGO, et al.

Cause called and argued by David Stanley appearing for Appellant and by Randy Baker appearing for Appellant and by Jill Thayer, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H024140 STATE BANK OF CROSS PLAINS v. HUSET, etc.

Cause called and argued by Robert Danneskiold appearing for Appellant and by Diane Deckard appearing for Respondent. Cause ordered submitted.

H024813 MCNAIR v. NELSON-HILLMAN

Cause called and argued by Daymon Ferguson appearing for Appellant and by Lawrence Smith appearing for Respondent. Cause ordered submitted. Court adjourns.

H023405 PEOPLE v. INIGUEZ

The judgment is reversed and the matter is remanded for further proceedings consistent with this opinion and resentencing. (not published)

(Elia, J.; We concur: Rushing, P.J., Mihara, J.)

Filed July 24, 2003

H024745 PENNY M., et al. v. RACHEL M.

The appeal is dismissed. (not published)

(Mihara, J.; We concur: Rushing, P.J., Elia, J.)

Filed July 24, 2003

Sixth Appellate District

San Jose, California

FRIDAY, JULY 25, 2003

H023595 PEOPLE v. BURNETT

The judgment is affirmed. (not published)
(Wunderlich, J.; We concur: Premo, Acting P.J., Bamattre-
Manoukian, J.)
Filed July 25, 2003

H023552 SCHULZ, et al. v. COOK, JR., et al.

The judgment is affirmed. Appellants to bear costs on
appeal. (not published)
(Elia, J.; We concur: Rushing, P.J., Mihara, J.)
Filed July 25, 2003

H024960 CRYOLIFE, INC. v. SUPERIOR COURT OF SANTA CRUZ COUNTY;
MINVIELLE

Let a peremptory writ of mandate issue directing respondent
court to (1) vacate its order overruling Cryolife's demurrer to
the cause of action for strict liability and to enter a new order
sustaining the demurrer without leave to amend; and (2) vacate
its order denying Cryolife's motion to strike the punitive
damages of the first amended complaint, and to enter a new order
granting the motion. The temporary stay order is vacated. Each
party shall bear its own costs in this original proceeding.
(published)
(Premo, Acting P.J.; We concur: Elia, J., Wunderlich, J.)
Filed July 25, 2003

H024458 PEOPLE v. DE LA CRUZ

The clerk of the superior court is directed to modify the
abstract of judgment to reduce the restitution fines under
sections 1202.4 and 1202.45 to \$200 each. The corrected abstract
of judgment shall be forwarded to the Department of Corrections.
In all other respects the judgment is affirmed. (not published)
(Bamattre-Manoukian, J.; We concur: Premo, Acting P.J., Elia, J.)
Filed July 25, 2003

H024269 GARNIER, et al. v. LUDWICK, et al.; SKLAR, et al.

The order striking the class allegations is reversed.
Appellants are entitled to their costs on appeal. (not published)
(Elia, Acting P.J.; We concur: Wunderlich, J., Mihara, J.)
Filed July 25, 2003